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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,066	10/30/2003	Shaun Patrick Ryan	SR-001US	8137

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EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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11/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,066	Applicant(s) RYAN, SHAUN PATRICK	
	Examiner OLABODE AKINTOLA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 and 21-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent and recent Federal Circuit decisions, a machine or transformation test should serve as guidance as to what is patentable. In this case, using the same guidance, it appears the claims are directed to an abstract idea and are therefore non statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risk Management Solutions, Inc (www.rms.com, September 18, 2002, Terrorism Risk Brochure titled “Understanding and Managing Terrorism Risk” and associated webpages) (hereinafter referred to as RMS) in view of Honda (USPAP 20020026335).

Re claims 1-29: RMS teaches a method of assigning a quantitative risk value to a property, the quantitative risk value proportionally related to the likelihood of terrorist action against the property, comprising: receiving an evaluation of the susceptibility to damage of the property by a terrorist action that may affect the at least one aspect of the property; receiving an evaluation of the likelihood of a terrorist action directed against the property; and determining the quantitative risk value of the property at least partially in relationship to (1) the evaluation of the susceptibility to damage by terrorist action of the at least one aspect of the property, and (2) the evaluation of the likelihood of a terrorist action directed against the property, whereby the quantitative risk value may be used by an insurer in setting an insurance premium for an insurance policy (paragraphs 1-87).

RMS does not explicitly teach making an evaluation by observation of a security force related to the property.

Honda, in the same field of art teaches this concept at ¶0001, 0073, 0077, 0086, 0091 and figures 10 and 11.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify RMS to include this feature for the obvious reason of incorporating this factor into the computation of the insurance premium.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson et al (USPAP 20040249679) in view of Honda (USPAP 20020026335).

Re claims 1-29: Henderson teaches a method of assigning a quantitative risk value to a property, the quantitative risk value proportionally related to the likelihood of terrorist action against the property, comprising: receiving an evaluation of the susceptibility to damage of the property by a terrorist action that may affect the at least one aspect of the property; receiving an evaluation of the likelihood of a terrorist action directed against the property; and determining the quantitative risk value of the property at least partially in relationship to (1) the evaluation of the susceptibility to damage by terrorist action of the at least one aspect of the property, and (2) the evaluation of the likelihood of a terrorist action directed against the property, whereby the quantitative risk value may be used by an insurer in setting an insurance premium for an insurance policy (abstract, figures, paragraphs 7-16, 28-107).

Henderson does not explicitly teach making an evaluation by observation of a security force related to the property.

Honda, in the same field of art teaches this concept at ¶0001, 0073, 0077, 0086, 0091 and figures 10 and 11.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify RMS to include this feature for the obvious reason of incorporating this factor into the computation of the insurance premium.

Response to Arguments

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Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner notes that Applicant's argument regarding USC 101 rejection, the absence of a machine in a process claim is considered an abstract idea which is non statutory under USC 101.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/
Primary Examiner, Art Unit 3691